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Attorneys for Defendants SHAMROCK MATERIALS, INC.,
CORTO MENO SAND AND GRAVEL, LLC, and
CORTO MENO SAND AND GRAVEL II, LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE, a non-profit
corporation, PETALUMA RIVER
COUNCIL, an unincorporated association,

Plaintiffs,

vs.

SHAMROCK MATERIALS, INC., a
corporation; CORTO MENO SAND AND
GRAVEL, LLC, a limited liability company,
CORTO MENO SAND AND GRAVEL II,
LLC, a limited liability company,

Defendants.

Case No. C11-02565 MEJ

**STIPULATION AND ~~PROPOSED~~ ORDER
ESTABLISHING A BRIEFING SCHEDULE
FOR MOTION TO DISMISS AND FOR
EXTENDING THE DEADLINE FOR
INITIAL DISCLOSURES**

Hearing Date: n/a

Time: n/a

Courtroom: B, 15th Floor

The Hon. Magistrate Judge Maria-Elena James

1 WHEREAS, on May 26, 2011, Plaintiffs California Sportfishing Protection Alliance and
2 Petaluma River Council filed their Complaint for Declaratory and Injunctive Relief and Civil
3 Penalties ("Complaint");

4 WHEREAS, on August 10, 2011, Plaintiffs served a notice of the lawsuit and request for
5 waiver of service of summons on each of the Defendants;

6 WHEREAS, on August 11, 2011, Defendants Shamrock Materials, Inc., Corto Meno Sand
7 and Gravel, LLC, and Corto Meno Sand and Gravel II, LLC waived service of the complaint and
8 summons;

9 WHEREAS, Defendants' answer or response to the Complaint is due on or before
10 October 10, 2011;

11 WHEREAS, Defendants intend to respond to the Complaint by filing a motion to dismiss
12 on October 10, 2011 with a hearing date set for November 17, 2011 or as soon thereafter as the
13 motion can be heard by the Court;

14 WHEREAS, in order to accommodate the existing schedules and hearings in other
15 matters being handled by counsel, the parties wish to adjust the deadlines for Plaintiffs' response
16 and Defendants' reply to the motion to dismiss;

17 WHEREAS, Defendants have requested and CSPA has consented to an extension of the
18 date by which initial disclosures pursuant to Federal Rules of Civil Procedure, Rule 26 are to be
19 exchanged by the parties;

20 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties,
21 through their respective counsel:

22 1. That a motion to dismiss and accompanying brief in support thereof by Defendants
23 be filed and served not later than October 10, 2011, setting a hearing date of November 17, 2011
24 or as soon thereafter as the motion can be heard by the Court;

25 2. That Plaintiffs' opposition to the motion to dismiss be filed and served ~~not later~~
26 ~~than October 26, 2011;~~ in accordance with Civil Local Rule 7;

27 3. That Defendants' reply brief in support of the motion to dismiss be filed and
28 Stip. and [Proposed] Order Establishing a Briefing
Schedule for Motion to Dismiss and For Extending the
Deadline for Initial Disclosures

served ~~not later than November 3, 2011;~~ in accordance with Civil Local Rule 7;

4. That the parties exchange their initial disclosures pursuant to Rule 26(a)(1) on or before December 16, 2011.

Dated: September 23, 2011

Respectfully submitted,

LOZEAU DRURY LLP

By: /s/ Michael R. Lozeau

Michael R. Lozeau*

Attorneys for Plaintiffs California
Sportfishing Protection Alliance
and Petaluma River Counsel

Dated: September 23, 2011

Respectfully submitted,

PARTON | SELL | RHOADES

By: /s/ James E. Sell

James E. Sell

William R. Fenner

Attorneys for Defendants Shamrock Materials, Inc., Corto
Meno Sand and Gravel LLC, and Corto Meno Sand and
Gravel II LLC

*I hereby attest that I have on file all holograph signatures for any signatures indicated by a
“conformed” signature (/S/) within this efiled document.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: September 27, 2011


Magistrate Judge Maria-Elena James